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PTO/SB/97 (08-03)

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**November 5, 2004**on \_\_\_\_\_  
DateWilliam D. McSpadden

Signature

**William D. McSpadden, Reg. No. 44,234**\_\_\_\_\_  
**Typed or printed name of person signing Certificate**

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**For: Application Serial No. 10/633,088**

- 1) Amendment and Response to Office Action;
- 2) Fee Transmittal Form;
- 3) Petition for Extension of Time to File;
- 4) Facsimile transmission cover sheet;
- 5) Declaration under 37CFR 1.132 to Establish Commercial Success; and
- 6) Exhibit A.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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# FEE TRANSMITTAL

## for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

## Complete if Known

Application Number	10/633,088
Filing Date	8/1/2003
First Named Inventor	Garza et al.
Examiner Name	Huynh
Art Unit	3751
Attorney Docket No.	35165552.13

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number 13-0480  
 Deposit Account Name Baker & McKenzie LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	55.00
1252 430	2252 215	Extension for reply within second month	
1253 880	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 885	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 55.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid

Total Claims	-20** =	X	=
Independent Claims	- 3** =	X	=
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater. For Reissues, see above

SUBMITTED BY	(Complete if applicable)		
Name (Print/Type)	William D. McSpadden	Registration No. (Attorney/Agent)	44,234
Signature	William D. McSpadden	Telephone	214-978-3040

Date 11/5/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant(s):** Garza et al.  
**Serial No.:** 10/633,088  
**Filed:** August 1, 2003  
**Title:** TOILET FOR OBESE PERSONS  
**Group Art No.** 3751  
**Examiner:** Khoa D. Huynh  
**Atty. Docket No.:** 35165552.13

**Mail Stop Amendment**  
**Commissioner of Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Applicant submits this Amendment and Response to Office Action in response to the Office Action dated June 9, 2004. Applicant submits that the following amendments and arguments are sufficient to place this application in condition for allowance.

**Amendments to the Claims** are reflected in the listing of the claims, which begins on page 2 of this filing.

**Remarks/Arguments** begin on page 8 of this filing.